



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

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ORIGINAL
(Red)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

A.S. Hutchcraft, Jr.
President & Chief Operating Officer
Kaiser Aluminum & Chemical Corporation
300 Lakeside Drive
Oakland, CA 94612

SEP 19 1985

Re: Douglassville Disposal Site
(Berk Associates, Inc.)

Dear Mr. Hutchcraft:

The United States Environmental Protection Agency (EPA) is considering spending public funds to take corrective action for the control of releases of hazardous substances at the above referenced site. Unless EPA determines that a responsible party will properly perform such actions, EPA intends to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq (CERCLA).

Under Sections 106(a) of CERCLA and other laws, responsible parties may be obligated to implement any needed relief actions determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site and enforcement. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you to voluntarily undertake cleanup activities which will be overseen by EPA.

Responsible parties under CERCLA include current owners and operators, past owners and operators at the time of disposal, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of them. Based on information obtained by EPA, we have reason to believe that your company is a responsible party.

EPA has reason to believe that your company did, by contract, agreement, or otherwise, arrange for transport for disposal, treatment, or storage of hazardous substances at the Douglassville Disposal Site. This determination is based on information obtained from you or other parties designated as potentially responsible for the contamination at the site. Chemical analyses of samples taken from all environmental media at the site have revealed a broad range of contaminants. Pollutants found in air, water, or soil samples taken from the site include but are not limited to benzene, toluene, xylene, trichloroethene, ethylbenzene, tetrachloroethene, 1,2 - dichloroethane,

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1,1,1-trichloroethene, PCBs, phthalates, lead and chromium. Several of these pollutants have been found in the surface waters and sediments of the nearby Schuylkill River and in the tissue of fish inhabiting the river. There is a genuine concern that contaminants onsite could pose a threat to those directly exposed to such pollutants. There is also the concern that contaminants will continue to migrate offsite and thus pose an additional threat to human health and the environment. The Agency will, upon request, discuss this information with you and will provide additional information on the nature and extent of the release.

EPA is planning to conduct the design and implementation of remedial cleanup actions at the Douglassville Disposal Site. The final decision on the remedial actions necessary at the site is expected to be made in September of 1985. At your request, EPA will send you a copy of the official document that discusses the extent of contamination at the site and the possible remedial alternatives necessary for cleanup.

In addition to the above action, you may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include, but are not limited to, providing any monitoring and maintenance necessary after remedial measures are completed.

EPA will consider an immediate offer from you to conduct the design and implementation of the forthcoming remedial plan subject to EPA and inter-agency review. Alternatively, you may elect to be a participant in this cleanup option. You should notify EPA, in writing, within 20 calendar days from the receipt of this letter, of your willingness to conduct or participate in the design and implementation of the remedial plan. Otherwise, EPA will assume that you decline any involvement in this activity and will proceed with the preparation of the design of the remedial project.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should continue such activities as you see fit; you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. You should report, however, the status of those discussions or that action in your letter. Please provide a copy of your letter to any other parties involved in those discussions.

Your letter should be sent to:

Judith Dorsey, Esquire
Office of Regional Counsel (3RC20)
US Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

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If you need further information, Ms. Dorsey is the attorney in charge of this case, and Mr. Jack Kelly is the technical project officer. Ms. Dorsey's telephone number is (215) 597-8981; Mr. Kelly's telephone number is (215) 597-3168.

EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the contamination at the Douglassville Disposal Site. The names of the other potentially responsible parties may be revealed to you if you specifically request such information in writing. This information may enable you to schedule meaningful discussions with other potentially responsible parties regarding cleanup efforts and help you to quickly organize yourself into a single representative body to facilitate negotiations with the Agency.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. For any portion of the information submitted which is entitled to confidential treatment, a confidentiality claim may be asserted in accordance with 40 C.F.R. § 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.203, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R., Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and can not be relied upon as a final Agency position on any matter set forth herein.

Due to the seriousness of the problem at this site and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified herein. We hope that you will give these matters your immediate attention.

Sincerely,


Stephen R. Wassersug, Director
Hazardous Waste Management Division

cc: Donald A. Lazarchik, PADER
Gene Lucero, EPA - OWPE
Charles Brown, Assistant General Counsel

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